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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/027,580
Filing Date	December 21, 2001
First Named Inventor	Sunil K. Gupta
Art Unit	2626
Examiner Name	H. Vo
Attorney Docket Number	29250-000550/US

Total Number of Pages in This Submission

**ENCLOSURES (check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing  
Parts under 37 CFR  
1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
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Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

Mail Stop: Appeal Brief - Patent**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Harness, Dickey &amp; Pierce, P.L.C.

Signature

Printed name

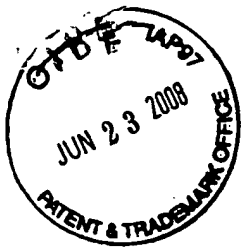
Gary D. Yacura, Reg. No. 35,416  
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Date

June 23, 2008

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/027,580  
Filing Date: December 21, 2001  
Appellant: Sunil K. GUPTA  
Group Art Unit: 2626  
Examiner: H. Vo  
Title: METHOD AND SYSTEM FOR UPDATING AND CUSTOMIZING  
RECOGNIZATION VOCABULARY  
Attorney Docket: 29250-000550/US

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**APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. §41.41**

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

June 23, 2008

**Mail Stop Appeal Briefs - Patents**

Sir:

In accordance with the provisions of 37 C.F.R. §41.41, Appellant submits the following in response to the Examiner's Answers mailed April 30, 2008.

**I. STATUS OF CLAIMS:**

Claims 8-11, 13 and 14 are pending. Claim 8 is in independent form. Claims 1-7, 12 and 15-24 have previously been cancelled. The remaining pending claims stand rejected as follows:

1. Claims 8-11 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,587,824 ("Everhart"), and further in view of U.S. Patent No. 6,185,535 ("Hedin");
2. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Everhart in view of Hedin, as applied to claim 8, and further in view of U.S. Patent No. 6,161,090 ("Kenevsky").

**Claims 8-11, 13 and 14 are being appealed.**

**II. GROUND OF REJECTION TO BE REVIEWED ON APPEAL:**

Appellant seeks the Board's review of the following rejections:

1. Claims 8-11 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,587,824 ("Everhart"), and further in view of U.S. Patent No. 6,185,535 ("Hedin");
2. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Everhart in view of Hedin, as applied to claim 8, and further in view of U.S. Patent No. 6,161,090 ("Kenevsky").

### **III. ARGUMENTS:**

**A. Claims 8-11 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,587,824 ("Everhart"), and further in view of U.S. Patent No. 6,185,535 ("Hedin")**

With regard to independent claim 8, the Examiner's Answer makes a new assertion that Everhart discloses a speech recognition system having an I/O interface (FIG. 2, item 24 of Everhart), where the I/O interface is "traditionally known to enable communications between the speech recognition system and the outside world".<sup>1</sup> The Examiner asserts that the I/O interface enables communication between the speech recognition system and users, voice-controlled accessories, or a "remote server".<sup>2</sup> Appellant asserts that Everhart does not teach communicating with the "outside world" or a "remote server", as the Examiner asserts. Specifically, Appellant asserts that Everhart's disclosure teaches an I/O interface 24 used to interface between a central control unit 19 and in-vehicle accessories 42/44/46/18, rather than a "remote server" as asserted by the Examiner.

Appellant draws the Examiner's attention to FIG. 2 of Everhart, which shows an I/O interface 24 that allows the central control unit 19 of the speech recognition system to interface with accessories 42/44/46/18. Column 4, lines 33-47 describe the accessories as "vehicle accessories [that] can be any powered device" (emphasis added).<sup>3</sup> Everhart explains that examples of such in-vehicle accessories may include climate control, a clock, interior / exterior lights, the audio system 18, rear view mirrors, door locks, seat and window controls and a navigation system.<sup>4</sup> Appellant

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<sup>1</sup> See Page 7 of the Examiner's Answer.

<sup>2</sup> *Id.*

<sup>3</sup> See Column 4, Line 43-44 of Everhart.

<sup>4</sup> See Column 4, Lines 43-47 of Everhart.

asserts that Everhart does not suggest using the I/O interface to communicate with a “remote server”, as the written disclosure and FIG. 2 of Everhart teach an I/O interface that is being used explicitly to interface between the speech recognition system and in-vehicle accessories, only.

In the Examiner's Answer, the Examiner cites *In re McLaughlin*<sup>5</sup> in making the assertion that any judgment of obviousness necessarily uses reconstruction based on hindsight reasoning, which is proper as long as such reconstruction only takes into account the knowledge of one skilled in the art and does not include knowledge gleaned from Applicant's disclosure.<sup>6</sup> Appellant respectfully submits that *In re McLaughlin*'s allowance of “reconstruction based upon hindsight reasoning” was within the context of the court cautioning that the test for combining references does not focus on what each individual reference themselves teaches, but rather what the combination of disclosures taken as a whole would suggest to a skilled artisan.<sup>7</sup> Specifically, the court in *In re McLaughlin* did not want to discount a secondary reference showing that it is well known to use side filler panels and bulkheads to confine palletized loads to prevent lateral and longitudinal shifting for railroad box cars. Appellant submits that in the instant case, we are not concerned about a secondary reference that may or may not be teaching a feature that is well known, but rather we are concerned with expanding the teachings of the Everhart patent beyond the clearly stated objectives of Everhart's in-vehicle application. Appellant submits that *In re Fine*,<sup>8</sup> first cited in Appellant's Appeal Brief,<sup>9</sup> is a Federal Circuit decision,

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<sup>5</sup> *In re McLaughlin*, 443 F.2d 1392 (CCPA 1971).

<sup>6</sup> *Id* at 1395.

<sup>7</sup> *Id* at 1395.

<sup>8</sup> *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

<sup>9</sup> See Page 12 of Appellant's Appeal Brief.

decided more recently than *In re McLaughlin*, specifically addressing the issue of "hindsight reconstruction" as it applies to choosing among isolated references in order to arrive at the claimed invention. The *In re Fine* court states "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention" (emphasis added).<sup>10</sup> Appellant argues that the court's sentiment related to the disapproval of "picking and choosing" among isolated disclosures, seems particularly relevant in addressing the Examiner's selection of only the beneficial portions of a single reference, while disregarding the greater context of the reference. Specifically, Appellant asserts that it is not proper for the Examiner to use the Everhart reference to assert that it would be obvious to add a "remote server" to Everhart's speech recognition system, while discounting the primary objective of the Everhart patent. Namely, Appellant respectfully asserts that the Examiner cannot properly ignore the in-vehicle aspect of Everhart, in claiming that it would be obvious to add a "remote server" that is contrary to the key feature of Everhart.

For at least the reasons stated above related to independent claim 8, Appellant asserts that the claim is patentable. Due to the dependence of claims 9-11 and 14 on claim 8, Appellant also asserts these claims are patentable.

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<sup>10</sup> *In re Fine*, 1075.

**B. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Everhart in view of Hedin, as applied to claim 8, and further in view of U.S. Patent No. 6,161,090 ("Kenevsky").**

Due to the dependence of claim 13 on independent claim 8, Appellant asserts that Appellant's arguments against the Examiner's asserted use of Everhart's I/O interface 24 and the applicability of *In re McLaughlin* are equally applicable to claim 13, for at least the reasons stated above.



**IV. CONCLUSION:**

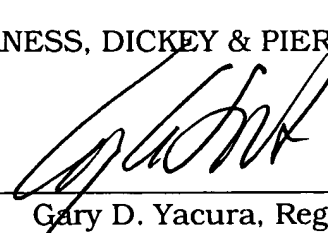
Appellant respectfully requests the Board to reverse the Examiner's rejection of the pending claims.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By

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**APPENDIX A**

**Listing of claims 8-11, 13, and 14 on appeal:**

8. A speech recognition system, comprising:  
a client device receiving an utterance from a user; and  
a server in communication with the client device, the client device comparing the received utterance to a stored recognition vocabulary representing a currently active vocabulary, recognizing the received utterance and dynamically modifying the stored recognition vocabulary to improve recognition accuracy for subsequent received utterances, wherein the client device enables the user to create a replacement command word that is stored in the stored recognition vocabulary as a replacement command word corresponding to the received utterance, where the user's utterance was not recognized by the client device.

9. The system of claim 8, wherein the dynamic modifying of the stored recognition vocabulary is dependent on a current state of user interaction in a voice dialog of the user that includes the utterance and on a recognition result from the comparison.

10. The system of claim 8, the client device further including an application configured to dynamically modify the stored recognition vocabulary.

11. The system of claim 8, the server further including a vocabulary builder application configured to dynamically modify the stored recognition vocabulary by sending data to the client application.

13. The system of claim 8, the server further including a database storing client-specific data that is updatable by the client device.

14. The system of claim 8, the client device further including a processor for comparing a speech template representing said received utterance to said stored recognition vocabulary to obtain a recognition result, wherein the processor controls the client application to modify the stored recognition vocabulary.